



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,464	10/04/2001	Frido Garritsen	003935.P016	8301

7590 10/07/2004

Glenn E. Von Tersch
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

ELLIS, KEVIN L

ART UNIT	PAPER NUMBER
----------	--------------

2188

DATE MAILED: 10/07/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/975,464

Applicant(s)

GARRITSEN, FRIDO

Examiner

Kevin L. Ellis

Art Unit

2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-12,15-20 and 22-47 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 13, 14, and 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2188

Detailed Action

1. Claims 1-47 are presented for examination.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 2, 5-12, 15-20, and 22-47 are rejected under 35 U.S.C. § 102(b) as being anticipated by Applicant's Admitted Prior Art (AAPA).

A) As to claim 1, AAPA discloses the method as claimed. The prior art computer system that contains audio files to be played (see P 1-4 of the present invention) would read upon the method as claimed. A computer system with an audio reproduction application would use a play list which keeps track (i.e. "has a record of") of audio files to choose the audio file from the play file. Once chosen a request to the hard drive would be sent. A computer hard drive can go into a power saving state and when they receive a request they will power up to service the request (thus meeting "receiving a request..." step). The hard drive will then access "a storage location on the primary device" to play the audio file.

Art Unit: 2188

- B) As to claim 2, a notebook computer with an audio reproduction application would meet the limitations of claim 1 and 2.
- C) As to claim 5, normally a user would request a certain song be played by scanning through the play list, thus meeting the limitation of this claim.
- D) As to claims 6-10, computer systems can mount and unmount volumes of storage to the file system manager which is part of the operating system. The limitations of these claims read upon the normal operation of an operating system that mounts a volume of storage and then accesses the data stored upon the volume through the file system manager.
- E) As to claims 11 and 12, when a user selects a song to be played the play list and "record" would be accessed to determine information about the song.
- F) As to claim 15, the limitations of this claim would read upon the system described by AAPA. The prior art computer system that contains audio files to be played (see P 1-4 of the present invention) would read upon the method as claimed. When a new song is saved to the computer system the play list is updated and a record kept to know where the song is located (i.e. what directory it is in) and information about the song. Also since computer hard drives can go into a power saving state, the device would need to be powered on.
- G) As to claims 16-18, these are common audio file formats that the prior art systems support.
- H) As to claims 19, 20, and 22, the play list would be updated when a new song is added to the system and the prior art applications support multiple different play lists as described by claim 20.

Art Unit: 2188

- I) As to claim 23, the use of an audio reproduction application on a notebook computer was well known.
- J) As to claims 24 and 38, AAPA discloses the apparatus as claimed. The prior art computer system that contains audio files to be played (see P 1-4 of the present invention) by use of an audio reproduction application would read upon the apparatus as claimed. Operating systems running on a computer system would provide the "file system management logic block", "volume management logic block", and the "file management logic block". These are all necessary to access the "physical storage location". The audio reproduction application would provide a "song play list management logic block". It is not clear what novel feature the claims present over the prior art.
- K) As to claims 25-33, 39, 40, 46, and 47, these additional limitations appear to read upon features provided by the operating system. The operating system would provide for these limitations in order to access data stored on a hard drive.
- L) As to claims 34-37 and 41-45, the audio reproduction application would provide for maintaining a play list and using it to locate the songs on the storage device.

Allowable Claims

4. Claims 3, 4, 13, 14, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Art Unit: 2188

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin L. Ellis whose telephone number is 703-305-9659. The examiner can normally be reached on weekdays from 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 703-306-2903. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Kevin L. Ellis
Primary Examiner
September 24, 2004

